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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,443	03/24/2004	David A. Kesselman	29953-199352	3361

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EXAMINER

DANIELS, MATTHEW J

ART UNIT	PAPER NUMBER
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1732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/807,443	Applicant(s) KESSELMAN ET AL.	
	Examiner Matthew J. Daniels	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 18-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. **Claims 1-11 and 18-22** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1 March 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 12-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard (USPN 3667888). **As to Claim 12**, Blanchard teaches providing a first cutting arrangement from in a pocket formed by complementary recesses (items 11, 12 in Fig. 2) of first and second mold halves (items 1 and 2 in Fig. 2), the first cutting arrangement being a pinch bar arrangement (Fig. 2, items 8, 9), wherein the pocket extends over the first and second mold halves (items 11 and 12, Fig. 2). Blanchard also teaches providing a second cutting arrangement which is a blade arrangement (Fig. 10, items 8, 9) onto the mold in the pocket formed by the complementary recesses (see the pocket holding items 8 and 9 in fig. 10). However, Blanchard is silent to removing the pinch arrangement and replacing it with the blade arrangement. However, Blanchard teaches that both devices are used on the same mold having the same shape and

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bottom recess (items 1 and 2 in Figs. 2 and 10). Thus, Blanchard's method suggests to the ordinary artisan that the pinch bars and blade arrangement may be used interchangeably, and in doing so, it would have been prima facie obvious to replace the pinching device for the blade device. **As to Claim 13**, Blanchard's device provides complimentary blade and bed blades blades in the recess (Fig. 10, items 8, 9). **As to Claim 14**, it will be the Examiner's position firstly that Blanchard provides magnetic attachment, which is interpreted as a "friction-fit" surface, the friction being increased by the magnetic force. Secondly, Blanchard teaches a pin (16 in Fig. 4, also see "pin" at 5:14). **As to Claim 15**, the claim limitation appears to be drawn to a particular order of assembly or disassembly. However, Blanchard teaches generally that the mold cutting devices may be used interchangeably. Additionally, it has generally been held that any order of performing process steps disclosed by the prior art is prima facie obvious in the absence of unexpected results. See MPEP 2144.04(IV)(C) and *Ex parte Rubin*, 128 USPQ 440 (Bd. App. 1959) (Prior art reference disclosing a process of making a laminated sheet wherein a base sheet is first coated with a metallic film and thereafter impregnated with a thermosetting material was held to render prima facie obvious claims directed to a process of making a laminated sheet by reversing the order of the prior art process steps.). See also *In re Burhans*, 154 F.2d 690, 69 USPQ 330 (CCPA 1946) (selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results). Here, any order of assembly and disassembly would have been prima facie obvious over Blanchard's teaching that the two cutting devices (pinching elements and blade) are interchangeable. **As to Claims 16 and 17**, the blade arrangement fits substantially within the pocket (Fig. 10), and both arrangements (pinch

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and blade) are substantially the same width, namely the width of the mold (compare Figs. 4 and 5 with Figs. 8 and 10)

3. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard (USPN 3667888) in view of Hafele (USPN 3806300). Blanchard teaches the subject matter of Claim 12 above under 35 USC 103(a). **As to Claim 14**, Blanchard appears to be silent to a screw. However, screws are conventional means for attachment to a mold, and are taught by Hafele (item 26 in Fig. 3A-5A). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Hafele into that of Blanchard in order to prevent vertical movement of the blade or pinching elements using a screw, which would be desirable in the method of Blanchard.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hall (USPN 3651186) is cited as providing a pinching element (Fig. 3, item 15) which sits in a recess formed between items 45 and 17 (Fig. 3). This pinching element reads on the claimed pinching bar, but Hall does not teach the blade and bed blade used interchangeably with the pinching bar. Therefore, Blanchard provides the closest teaching to the claimed subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJD 3/12/07

MJD


CHRISTINA JOHNSON
SUPERVISORY PATENT EXAMINER

3/15/07